CREDITORS' SUIT—ATTORNEYS' FEE.—That the fund reached by a general creditors' bill against an insolvent building and loan association is all absorbed by prior claims not secured by mortgage or other fixed lien, so that the one who has instigated it will receive nothing, is held, in *Campbell* v. *Providence Sav. & L. Soc.* (Tenn.), 54 L. R. A. 817, not to prevent the allowance of a reasonable attorney's fee to his solicitors out of the fund. With this case is a note reviewing the authorities as to the allowance of attorneys' fees out of the fund for attorneys of creditors who sue in behalf of themselves and other creditors.

RESERVATION OF TITLE TO PERSONAL PROPERTY—TRANSFER OF NOTE FOR PURCHASE MONEY.—Upon the transfer, to a third person for value, without recourse, of a promissory note for the purchase money of personal property, which contains a reservation of title to the property in the payee until the note is paid, it is held in *Burch* v. *Pedigo* (Ga.), 54 L. R. A. 808, that the title reserved for securing the payment of the debt is devested, and that if, at the time of such transfer, the title so held was not likewise transferred to the purchaser of the note as a security in his hands, it vests in the maker, and the transferee becomes an ordinary creditor of such maker.

CARRIERS—CONTRACTS—SHIPMENT OF GOODS AFTER THE STIPULATED TIME. —When time is made of the essence of a contract for the shipment of oranges under a contract of sale, acceptance of them when shipped after the stipulated time is held, in *Redlands Orange Growers Asso.* v. *Gorman* (Mo.), 54 L. R. A. 718, not to waive a right to damages caused by the delay.

With this case is a note reviewing the authorities as to effect of acceptance of goods as a waiver of damages for delay in delivery.

The question is discussed in the recent Virginia case of *Perry Tie & Lumber Co.* v. *Rennolds*, 4 Va. Sup. Ct. Rep. 198.

CRIMINAL LAW—ABORTION.—Neither the consent nor the entreaty of the pregnant woman to the prisoner's attempt to procure her miscarriage, nor the prisoner's reluctance or unwillingness to perform the operation, is a sufficient defense, if the criminal operation were actually performed by the prisoner. Under the Delaware statute, it is sufficient that an instrument be used with intent to produce a miscarriage, whether such intent were accomplished or not. *State* v. *Magnell* (Del.), 51 Atl. 606.

Section 3670 of the Code of Virginia seems substantially the same as the Delaware statute in question. It does not mention the use of an instrument *eo nomine*, but contains the broader expression, "or use any means with intent to destroy her unborn child."

MASTER AND SERVANT—DANGEROUS MACHINERY—DUTY OF MASTER TO INSTRUCT.—The law imposes upon the master the duty of giving proper instructions to a young and inexperienced servant employed about a dangerous machine, and those instructions must be sufficient to enable a person of his youth and inexperience to perform his duty with safety. The master is responsible for a neglect of this duty. *Welsh* v. *Butz* (Pa.), 51 Atl. 591. Citing *Tagg* v. *McGeorge*,

155 Pa. 375, 35 Am. St. Rep. 889, and approving *Roger* v. *Tinkler*, 16 Pa. Superior Ct. 460, where it was held that knowledge of the danger, such as is derivable from a week's experience with a machine, is not equivalent to a special warning. It does not necessarily follow that the employer is relieved from the duty of instructing him further.

MUTUAL BENEFIT SOCIETIES—QUALIFICATIONS OF MEMBERS.—A requirement of the constitution of a mutual benefit society, that its privileges shall be limited to members of a specified religious denomination is held, in *Franta* v. *Bohemian Roman Cath. C. U.* (Mo.), 54 L. R. A. 723, not to violate a provision of the State Constitution as to religious liberty.

See also *Mazurkiewicz* v. *Society* (Mich.), 54 L. R. A. 727.

But a provision in a certificate of membership in a benefit society, that the holder shall comply with the constitution and by-laws of the association, was held, in *Peterson* v. *Gibson* (Ill.), 54 L. R. A. 836, to refer to such laws as they then exist, and not to bind him to submit to a change subsequently made, depriving him of the right to dispose of the benefit by will.

See 7 Va. Law Reg. 812.

CARRIERS—NEGLIGENCE—COUPLING OF ENGINE WITH TRAIN.—A train having reached its terminus and being at a stand still, it is the duty of the carrier to give the passengers sufficient time to alight in safety before removing the train from the station. If the car was jolted, jarred or moved as the result of an attempted coupling, the effect is the same as when the train is started while the passengers are getting off. It is well settled that passengers are entitled to a reasonable time to leave the cars in safety. Therefore, if by the coupling of a shifting engine, a car is so moved as to cause a passenger to fall and receive injury, it is negligence. *Raughley* v. *West Jersey &c. R. Co.* (Pa.), 51 Atl. 597. Citing *R. R. Co.* v. *Kilgore*, 32 Pa. 292, 72 Am. Dec. 787; *R. R. Co.* v. *Peters*, 116 Pa. 217. Distinguishing *Herstine* v. *R. R. Co.*, 151 Pa. 252; *McCloskey* v. *R. R. Co.*, 156 Pa. 254.

BANKS AND BANKING—OFFICERS—INDIVIDUAL ACTS.—There is no reason founded on principle for not applying the same rule of agency to a cashier as to other persons holding a fiduciary relation. No person can act as agent in a transaction in which he has an interest, or to which he is a party, on the side opposite to his principal. Thus, a person cannot deal with the cashier of a bank as an individual, in securing a draft for a debt due by him, and claim, after the delivery of the draft, that it has become the transaction of the bank. Upon proof that the transaction was known to claimant to be an individual one, the burden is cast upon him to establish ratification. These are fundamental principles. *Campbell* v. *Mfrs. Nat. Bank* (N. J.), 51 Atl. 497. Citing *Claflin* v. *Bank*, 25 N. Y. 293; *Moores* v. *Bank*, 111 U. S. 164; *Bank* v. *American Dock & Trust Co.*, 143 N. Y. 559; *Shaw* v. *Spencer*, 100 Mass. 382, 97 Am. Dec. 107; *Petrie* v. *Clark*, 11 Serg. & R. 377, 14 Am. Dec. 636; *Road Co.* v. *Paviour*, 164 N. Y. 281, 52 L. R. A. 790; *Lamson* v. *Beard* (C. C. A.), 94 Fed. 30, 45 L. R. A. 822.